

HOUSE BILL 2961
By Lynn

AN ACT to amend Tennessee Code Annotated, Section 39-15-404; Title 57, Chapter 4, Part 2 and Title 57, Chapter 5, Part 3, relative to furnishing alcohol to minors or enticing minors to procure alcohol.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-15-404, is amended by deleting the section in its entirety and substituting instead the following:

(a) Except as provided in § 39-15-413:

(1) It is an offense for a person to persuade, entice, or send a minor to any place where alcohol is sold, to buy or otherwise procure alcohol in any quantity, for the use of such minor or for the use of the person persuading, enticing, or sending the minor, or for the use of any other person.

(2) It is an offense for a person to sell, furnish, give, provide or buy alcohol for or on behalf of any minor or to cause alcohol to be sold, furnished, given, provided or bought for or on behalf of a minor for any purpose.

(b) As used in this section:

(1) "Alcohol" means liquor, wine or other alcoholic beverages, as defined in § 57-3-101(a)(1)(A), or beer, as defined in § 57-6-102(1).

(2) "Minor" means a person under twenty-one (21) years of age;

(c) It is an affirmative defense to prosecution under this section that the defendant acted upon a reasonably held belief that the minor was of legal age. Such

belief may be acquired by virtue of the minor making a false statement or presenting false identification to the effect that the minor is twenty-one (21) years of age or older, but such belief must be honestly believed by the defendant to be true and must be founded on reasonable grounds.

(d)

(1) A violation of subsection (a) or § 57-4-203(b)(1)(A) or § 57-5-301(d)(2) is a Class A misdemeanor.

(2) A violation of subsection (a) or § 57-4-203(b)(1)(A) or § 57-5-301(d)(2) is a Class E felony if:

(A) The defendant knows the person persuaded or to whom furnished is a minor;

(B) The defendant knows the minor intends to consume the alcohol constituting the violation;

(C) Because of the violation, the minor becomes intoxicated; and

(D) The minor's intoxication proximately results in the serious bodily injury of the minor or another.

(3) A violation of subsection (a) or § 57-4-203(b)(1)(A) or § 57-5-301(d)(2) is a Class D felony if:

(A) The defendant knows the person persuaded or to whom furnished is a minor;

(B) The defendant knows the minor intends to consume the alcohol constituting the violation;

(C) Because of the violation, the minor becomes intoxicated; and

(D) The minor's intoxication proximately results in the death of the minor or another.

(e) If a person engages in conduct that violates this section as well as other sections, nothing in this section shall be construed to prohibit the prosecution and conviction of such person under any other applicable section or this section.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it